

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 19075 of 2002

Between:

M/s Sree Satya Sai Wines, Rep. by its Proprietor

Sri N.Pitcheswara Rao, S/o. Bhosaiah,

R/o. Atchutapuram Village and Mandal,
Visakhapatnam District.

..... PETITIONER

AND

The Commissioner of Prohibition and Excise,
Government of Andhra Pradesh, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, in the nature of Mandamus, declaring the order of the respondent herein in his proceedings Cr.No.13774/2002/CPE/G2, dated 22-8-2002 refusing the proposals of the Prohibition and Excise Superintendent, Visakhapatnam in Rc.No.801/2002-A3, dated 29-7-2002 and that of the Deputy Commissioner of Prohibition and Excise, Visakhapatnam in Rc.No.963/2002/B1, dated 10-8-2002 recommending the shifting of the Petitioners I.L.24 business premises from Door No.10-76 of Atchutapuram Village to S.No.87 of Moosaiahpeta Village, within the same jurisdiction of Atchutapuram Mandal and Gram Panchayat as being illegal, unjust, arbitrary and violative of Article 14 of the Constitution of India and contrary to G.O.192 dated 17-4-2002.

Counsel for the Petitioner : MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent : GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER :

The petitioner was granted IL-24 licence under the Andhra Pradesh Indian Liquor & Foreign Liquor Rules, 1970 which is valid for the year 2002-03. He made an application to the Excise Superintendent, Visakhapatnam, seeking permission to shift the business from Atchuthapuram to Mosayyapeta Village. The same was forwarded by the Excise Superintendent, Visakhapatnam, to the respondent, who by impugned order dated 22-8-2002 rejected permission to shift the Wine shop. The said order is assailed in the present writ petition.

The petitioner's licence was valid only till 31-3-2003. In that view of the matter, at this point of time, no orders can be passed in favour of the petitioner as the licence itself expired.

The writ petition is accordingly dismissed as infructuous. No costs.

(V.V.S.RAO, J.)

01-07-2005.

Msr.

To

1. The Commissioner of Prohibition and Excise,
Government of Andhra Pradesh, Hyderabad.

2. 2 CCs to Government Pleader for Prohibition and Excise,
High Court Buildings, Hyderabad.

3. 2 CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.19075 of 2002

01-07-2005

(Msr)